के "जनसत्ता" समाचार पत्र में समाचार छपा है यहां की कार्यवाही के संबंध में । इसमें यह लिखा है कि जनता पार्टी के श्री एस० सी० महन्त, कांग्रेस (एस) के श्री एस० डब्लू० धावे, भाजपा के श्री प्यारे लाल खंडेलवाल और स्वतंत्र श्री वीरेन्द्र वर्मा ने सुरक्षा प्रबन्धों में ढील के लिये सरकार की निन्दा की । मेरा कहना यह है कि वीरेन्द्र वर्मा लोकदल के नेता हैं, लोकदल पार्टी के सदस्य हैं । इस सिलसिले में आपकी ओर से व्यवस्था दी जानी चाहिये । इसका शुद्धिकरण "जनसत्ता" में छपना चाहिये । वीरेन्द्र वर्मा स्वतंत्र पार्टी के सदस्य हैं, यह गलत छपा है ।

SHRIMATI MONIKA DAS (Karnataka): Sir, I want to bring to your notice that on 7th September, the Sikhs are having their convention.

MR. DEPUTY CHAIRMAN: This is not permitted. Please give me in writing. Please seek my permission separately.

THE BANKING LAWS (AMENDMENT) BILL, 1984

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI S. M. KRISHNA): Mr. Deputy Chairman, I beg to move:

"That the Bill further to amend the State Bank of India Act, 1955, the State Bank of India (Subsidiary Banks) Act, 1959, the Banking Companies (Acquisition and Transfor of Undertakings) Act, 1970 and the Banking Companies (Acquisition and Transfer of Undertakings)' Act, 1980. as passed by the Lok Sabha, be taken into consideration."

The employees of the 28 public sector banks are eligible for payment cf bonus as per the provisions of the Pavment of Bonus Act, 1965. In 1976, some of the Unions of the workmen employees of State Bank of India had raised an industrial dispute claiming bonus outside the scheme of the Payment of Bonus Act, 1965, at the rate of two months' basic pay, and Irrespective of ceiling on salary. Their plea was that this had all along been the practice and the custom in the State Bank of India and it had, therefore, to continue as such. The matter was referred to the Industrial Tribunal, Madras, in 1982, which in an Award given in January 1984, has upheld the employees' clajm. This Award has been challenged through a. Writ Petition by the State Bank of India before the Madras High Court and it is pending.

To permit the State Bank to pay two months' substantive pay to all wbrkmen employees, and irrespective of tbe ceiling on salary would mean discrimination as between one set of b^ik pmnlnvees and another without any justification. If the State were to permit such a payment merely on the ground that it was being earlier paid bv the management year after year, it would defeat the very purpose of the provisions of the Payment of Bcrauj Act. The Award has introduced an element of disparity in the wage structure of the puVic sector banks, whereas the public endeavour of the Government has, since the nationalisation of the banks, been to reduce such disparities and to bring about uniformity and standardisation. It is to bring out the basic scheme of rationalisation of the payment of bonus and to remove the disparities that have arisen on account of the Award, that the present legislation is brought forward so that all employees of the public sector banks get bonus only as per the provisions of the Payment of Bonus Act and not otherwise.

Sir, the Award will result in a heaw financial burden on State Bank particularly after the proposed wage revision. Further, once hieher bonus is allowed to employees of one public sector bank, jt will be difficult to resist such demands coming from employees of the other banks in 'he

[Shri S. M. Krishna]

public sector also on the plea of 'equal-pay-foi'-equal work'.

It is not at all Government's intention to deny to any section of the working class its rightful dues. It is also not Government's intention to interfere with the right of the bank employees to receive bonus which is being paid to bank employees in accordance with the provisions of the Payment of Bonus Act, 1965. In fact, sction,,20 of the Payment of Bonus Act provides the possibility of public sector bank employees getting a higher rate of bonus. Where through higher productivity a bank steps up its turnover of business and thereby its profits and gross income, it is possible for the employees of such bank to earn a bonus as high as 20 per cent of their salary.

Sir, as you will see, there is no curtailment of the right to earn higher bonus. All that is being attempted through the Bill is to bring about uniformity in the matter of payment of bonus to the bank employees in the public sector and to remove the element of aberration due to historical or other factors.

Sir, I now request that the Bill may be taken up for consideration.

The question was proposed.

SHRI MOSTAFA BIN QUASEM (West Bengal): Mr. Deputy Chairman, the initiation of this piece of legislation in the form of the Banking Laws (Amendment) Bill, 1984, amounts to, to my understanding, instituting a legislative blockade by the Central Government on the enjoyment of a long-standing right of one and half lakhs of State Bank employees of our country, and also on possible future claim to such rights by several thousands of employees of other nationalised banks of our country. Sir, if we pass this Bill and if we allow this Bill to make an entry into the Statute Book of our country, this will unchartably curtail the customary bonus rights of the employees of the State Bank. Sir, to have a proper measurement of the extent of damage which the Government is going to do with this piece of legislation to the employees of the State Bank of India and the manner in which they are going to inflict this damage, I seek your permission to make a brief reference to the background of the whole thing.

Sir, it was in 1943 — perhaps, so far as I can recollect — I am subject to correction by the hon. House if I have put the year wrongly—that the Imperial Bank of India, the predecessor of the present State Bank, on June 30th of that year, paid to all its employees one month's basic wage as bonus. This was the first bonus payment under the customary bonus pattern to the employees of the State Bank, the then Imperial Bank of India. And again on 31st December of the very same year, the Bank paid another one month's basic wage to all the employees of the Bank. And the payment of such bonus recurred in subsequent years.

Sir, the payment of this customary bonus continued for a long, unbroken, uninterrupted period, in spite of the prohibition envisaged in certain subsequent enactments, namely, the Banking Companies Act, 1949, and the Banking Companies (Amendment) Act, 1956. But in spite of the prohibitions contained in those enactments, the employees of the Bank used to get this customary bonus. Only in view of the provisions contained in those two Acts, the officers, and not the employees—I repeat, Sir, not the employees but only the officers—were excluded from the purview of the bonus from 1957.

Sir, I want to make one point clear, with your permission. You know, Sir, there is a difference between customary bonus and profit-sharing bonus. The employees of the State

Bank of India would get customary bonus. Under the provisions of the Payment of Bonus Act, 1956. profit-sharing bonus is paid to the employees only on the closing of the accounting year and only on the basis of allocable surplus. It is never paid on the basis of the basic wage. But the bonus which was paid to the employees of the State Bank was on the basis of the basic wage and, therefore, it constituted customary bonus.

Sir, the point that I want to make is this. Even after the enactment of the Payment of Bonus Act, 1965, this mode of payment of bonus to employees of the State Bank was not discontinued. The continuation of payment of this customary bonus to the State Bank employees for several uninterrupted and continuous period of time proves that this constituted a part of the service conditions of the employees of the State Bank. Sir, all the employees of the State Bank of India continued to enjoy this till 1975. What happened in 1975 was, during the initial period of the Emergency days the Government issued the Payment of Bonus (Amendment) Ordinance, which subsequently became an Act, and came to be known as the Payment of Bonus (Amendment) Act, 1976. Taking a clue from this Act and particularly taking advantage of the emergency situation prevailing in the country, the State Bank management got as far as I can gather, categorical direction from the Central Government to stop payment of customary bonus to its employees. Having been aggrieved, the employees filed a writ petition before the hon. Madras High Court. Also under Article 32 of the Constitution, they filed a petition before the hon. Supreme Court of India. While delivering its judgment in December 1979, the hon. Supreme Court accepted for instituting a tribunal and directed referring the dispute for adjudication before the tribunal. I want to draw the attention of this hon. House to the fact that the judgment of the Supreme Court was given in December 1979. The Government was not serious to institute that Industrial Tribunal until the employees of the State Bank of India thought of filing a contempt suit before the Supreme Court. Then the Labour Ministry of the Government of India ordered for constituting that Industrial Tribunal with its headquarters at Madras in 1982. This National Industrial Tribunal, Madras, came to be popularly known as Arulraj Tribunal. This Tribunal gave its award which was notified in January 1984. Without going into the details' of this Award, I would say that this Award did positively uphold the right of the employees of the State Bank of India to payment of customary bonus. Against this Award of the Tribunal, the State Bank on the advice of the Government of India, instituted a writ petition in the hon. Madras High Court and that writ appeal is still pending there for final disposal. In the mean time, the hon. Madras High Court issued an interim order perhaps in March, 1984 and through that interim order, the hon. Madras High Court directed the State Bank to pay at least 50 per cent of the arrears of customary bonus for the period between December 1975 and December 1983 to the employees of ithe State Bank of India. *(Time bell rings)* After launching a .movement the employees of the State Bank of India have been able to get that amount from the State Bank. This is the situation. This is the background why the Government of India is introducing this piece of legislatiin. The writ appeal is still pending in the Madras High Court.

So, Sir, I think that this piece of legislation is nothing other than an act of conspiracy designed by the Government of India to snatch the rights of several thousand employees of the State Bank of India and I cannot consciously associate myself to I such a conspiracy. So, Sir, echoing \ the voice of protest of thousands

[Shri Mostafa Bin Quasem] and thousands of State Bank employees raised by them outside the Parliament, I, inside the Parliament, etrongly protest this Bill and I protest mainly on two counts. In essence and in effect, this legislation is tantamount to making an attack on the legitimate long-standing rights of the employees of the State Bank of India and secondly, in view of the fact that the writ appeal is still pending in the hon. Madras High Court, this piece of legislation amounts to unnecessarily disturbing and interfering with the process of judiciary in our country, thereby making the present process of law a mockery. So, Sir, I strongly oppoose the Bill. *(Time bell rings).* Before concluding, Sir, I *'ould urge upon the Government to be sensible in its decisions, to be rational in its attitude and, I request them to winthdraw the Bill. By introducing this Bill you are not inculcating amongst the employees or in the employees a sense of confidence, a sense of responsibility. Rather, by your injudicious decision, you are subjecting them to a feeling of deprivation, though not to a feeling of humiliation. *(Time bell rings).*

Sir, please give me two minutes more. Sir, from what the hon. Minister has mentioned that there is the possibility of a wrong impression being created that the State Bank employees are demanding extra bonus. I want to make it clear that they are not demanding anything extra to what they are getting. They are trying to restore to themselves the right which they had for so many years been enjoying. Secondly, Sir, the hon. Minister has pointed out that this will involve a heavy burden, additional burden, on the State Bank. I beg to differ with him. It will not result in any additional burden or additional expenditure. What it wiH result in, if the demands are accepted, is that it will result in, or necessitate only the resumption of an expenditure by the State Bank which is used to incur regularly till very recently. And, what is more, Sir, is that 50 per cent of the customary bonus has been paid by the State Bank only in May 1984. (*Time bell rings*) So, Sir, before concluding I stick to my original submission and I oppose this Bill and urge upon the Government to be sensible to withdraw this Bill and there will be no question of loss of face on their part. Thank you.

SHRI NAND KISHORE BHATT (Madhya Pradesh): Mr. Deputy Chairman, Sir, I fully appreciate the intention of the Government that they want to bring about uniformity among the working conditions of the bank employees, and especially, in this case, the employees of the State Bank of India. Sir, while I fully appreciate the intention, but at this stage to question how and why the employees of the State Bank of India are getting more bonus, I think, will be unfair. I can very well understand if the Government want to bring about uniformity in the case of future employees and the Government can do that because it can say that it wants to bring about uniformity in the working conditions of the bank employees. But at this stage to question the working conditions in a particular bank would be highly unfair. I would suggest that if they want to do that in the case of future employees, they can do so. But whatever bonus and other benefits the existing employees are getting, they should continue to get that. The Government is free to come forward with any suggestions in the case of future employees. Sir, if such a situation is prevailing, who is to be blamed for it? Certainly not the employees. If the Government had any policy they should have given the appropriate directives well in time to the banking management. But to come forward at this stage and say that this thing is to be changed is not proper.

Sir, I also want to point out one thing, namely that the management of the banking industry has all along

taken a different line than the declared objectives of the Government. The Government has social objectives and the banking management has not appreciated that objective. That was precisely the reason why on the one hand they have been trying to show loyalty to the Government and, on the other hand, all sorts of undue encouragements have been given to officers and workers alike.

Sir, the time has come when the entire question of wage policy should be given a fresh look in consistency with our social objectives. It has been agreed that anybody who works for 12 months should be paid 13 months wages. That being so, the condition of a large number of employees in the public sector and in unorganised sector should also be taken into consideration. Today, as the law stands, it is only the organised sector workers who get these benefits.

Sir, nationalisation of the banks was, no doubt, a very revolutionary step. At the time of nationalisation, there were about 8000 branches and now there are 40,000 branches and if this pace of development has to go further, it may be that the number may go up to 70,000 branches. That means, there will be branches of the banks in the rural areas also. Now, when you depute people to work in rural areas, they have to face many difficulties. There are no houses available; there are not educational facilities for the children of the bank employees. These are the questions that should get top-most consideration of the Government and particularly of the Ministry in charge of banking.

What is required today is a new work culture. The Government should ensure that whatever the employees are getting, should not be curtailed. At the same time, conditions should be so created that workers need not go on strike. There could also be a forum provided where the representatives of th workers and the management can sit together and resolve the grievances without pardising the industry and without putting the society to any inconve- *UBUUX*. oir, tne .frime Minister's 20-point programme provides for workers' participation in management. At the time of nationalisation Bill itself, there was a provision for workers* participation. It is true that this practice has been started. But I find in umpteen cases where the unions that have lost their recognition or even registration, still continue to send their representatives who sit on the Board of Directors. This is not a fair practice. I can quote, for example, in the State Bank of Bikaner and Jaipur, the representative of the union whose registration stands cancelled still «ontinues to sit on the Board of Directors, and thereby he would be trying to influence, or bring undue influence, on the management to gain favours for those who may be his followers. I do not see any justification for a union who has lost its recognition, or even its registration, should have its representative on the Board of Directors of the managment. In the case of commercial banks, this principle has been already introduced; but I have been told that in the State Bank of India and its associate banks, this principle has not been extended. I would request the hon. Minister to look into it and see that representatives who are genuine, should be **put** on-the Board of Directors to represent the workers.

Same is the case with officers also. In the public sector and also in the banking sector, officers and workers have no difference; both discharge tho s"«e duty. Therefore I feel the disparities between a worker and an officer should go and they should also be given the same consideration.

I would urge .upon the Finance Minister not to take the question of bonus to State Bank of India employees lightly because it is a customary bonus they have been getting and are entitled to it. If the Government wants to have a second thought over

[Shri Nand Kishore Bhatt]

it, certainly for the new recruits this can be considered but in case of employees who are entitled to this bonus should not be deprived of it, especially when the tribunal gave its award in favour of workers; it is in the fitness of things that the Government should not go in for appeal against the decision of the tribunal and in all fairness they should respect the award. Thank you.

SHRI R. RAMAKRISHNAN (Tamil Nadu): Mr. Deputy Chairman, Sir, perhaps I will be a singular exception in supporting this Bill which has been brought forward by the Government. It is not merely because of any sycophancy or arrangement of alliance that we are supporting but there is a logic in this Bill which has been brought forward by the Government. It is natural that when all persons are working in a similar industry, under similar circumstances, doing the same type of work, that one worker or one section of workers should not get more than the others. Therefore, while we are not anti-working class or anti-workers, I would welcome if the Government increased bonus for all banking employees, but it is rather unfair that only one particular section, that is the State Bank employees, should get more than the other banking employees. Therefore, I would very categorically state that while we are not anti-workers, we would welcome workers getting more from the Government by way of bonus or any other perquisities, but whatever has been brought forward now is quite rational and logical and, it is therefore, for this that I welcome this Bill.

It was Justice Venkataswamy of the Tamil Nadu Madras High Court who has given this historic judgment against which the State Government has gone in appeal and in the meanwhile the Government has preempted the whole thing by bringing forward this law which is good. But at the same time, there was a particular problem regarding income-tax, whether it should be deducted while the bonus is being paid or not. I do not know what the position is about that and I hope the Minister will clarify about it.

In 1969 Mrs. Indira Gandhi, at that time also the Prime Minister, brought forward an economic revolution in this country by nationalising 14 banks, and after that in 1980 six more banks were nationalised. I think nothing can be better for this country than nationalisation of banks. In fact, the long pending demand of other banks being nationalised is there and they have set certain standards and norms before which banks can be taken over. In 1969 there were 8262 branches of all the banks in this country. As on 1983, the number is 42,156. At that time each branch was serving 6500 people and today it is serving 16,000 people. Therefore, more people are being served and the rural thrust has been given by the banking department. While all this is true and good, I would very much like to know whether the objectives of nationalisation, namely, accelerating the socio-economic growth of this country has really been achieved in net terms. Recently, I do not like to enter into any controversies but we have the mass loan melas. I have nothing against them. If you give more poor people money and try to make them economically self-sufficient I welcome it, but at the same time, bank funds should not be frittered away in the name of these melas. I have nothing against the junior Minister, Mr. S. M. Krishna, or against Shri Poojary who has paid surprise visits to banks, pulled up the erring employees and all that, but to say that only the Congress (I) sponsored loan applications should be given loan is not correct. Even if an MP or an MLA belonging to any other party recommends loan applications to the concerned bank, they should be examined on merit. Then, Sir, there is an impression going on particularly in the southern parts of the country that if you are sponsored by the Congress (I), this

)an will bc disbursed and it need ot be repaid. These are the things) be corrected. Shri Pranab Kumar Mukherjee, when he was in Madras, gave a very balanced and logical tatement that this was not true. I lo hope that in your reply you will also reiterate and set right this mis-:onception which is going on. (*Inter-ruptions*). The institutions are the life blood of the nation, particularly institutions like banking, they have o be founded with care, nurtured with a lot of devotion and they should)e developed with a lot of dedication. Sir, the banking institutions today form the core of the economic development of the country, but unfortunately, there has been a spurt in the cases of bank frauds. I would just give some statistics given by the Minister himself that in 1980 there were 1594 bank frauds involving a total of Rs. 8.40 crores; in 1981 there were 1891 bank frauds involving Rs. 20.34 crores; in 1982 there were 2065 bank frauds involving Rs. 19.44 crores. These are the only detected bank frauds, and something should be done to see that not only these bank frauds are detected in time but also that the money is recovered and the errant employees are proceeded against.

12.00 NOON

The bank profitability, Sir, is going down, and certain reasons have been given for this, namely, that there is a growing burden of the socio-economic objectives, there is also an increased impounding of deposits and a shrinkage in the interest rates. These are the various reasons given. But along with the reduction in the bank profitability, what is rather strange is, the customer service also is going down. Today, in spite of the tall talk of efficiency, there is absolutely no customer service, and this has got to be looked into.

Similarly, about security for the banks, we find that in daylight, robbery is going on in the banks. Even last year we had a big discussion on this, and the Government said that security forces would be provided for the banks and that sophisticated equipment would be there, so that the teller or the cashier could press a button and the culprits could be nabbed. But this sort of force has not been provided. I do not know the reasons for the delay.

Before I conclude, Sir, the PLOT Committee headed by Mr. Era Sezhiyan, a former Member of the House, said, "Inter-bank reconciliation has not been done, and more than Rs. 40,000 crores are involved in this sort of thing".

Today, with so much of branch expansion, audit has got to be completed in time. For big nationalised banks, there are three or four auditors. One or two more may be appointed on the panel, and they, within the statutory limit, can go into the details. Therefore, I hope that the Minister considera this and also considers having the Comptroller and Auditor-General of India on top of the statutory auditors to see that bank audits are performed.

In regard to the Indian Banks abroad, their performance is rather criticisable because a number of advances have been made by them. Our people are not competent and are not properly guided in disbursing the advances. Recently here in the House so many things were mentioned. I would like you to issue some guidelines for the Indian banks abroad for giving advances.

Recently the Deputy Governor of the Reserve Bank, Mr. Seshagiri, talked about a Rs. 130-crore plan for bank computerisation coming up. This is one of the most welcome steps in the right direction though it has *heen* opposed by all the employees. Without depriving people of employment and depriving any opportunities for future employment this bank computerisation is most welcome.

Yesterday only Rs. 120 crores have been disbursed to the bank employees

[Shri R. Ramakrishnan]

by the Indian Bankg Association. There has been an agreement hy which 14.5 per cent increase is there over the previous figure. This is a welcome step.

There should be a harmonious working of the banks, and I most gladly welcome this Bill.

MR. DEPUTY CHAIRMAN: Mr. Mohunta. Please confine to the Bill. Otherwise, if you widen the scope, ' nobody wiH be able to reply anything.

SHRI SUSHIL CHAND MOHUNTA (Haryana): Mr. Deputy Chairman, Sir, this Bill depicts the way in which this Government is working. It comes forward with piecemeal legislations. This is a problem in India which we should have realised much earlier.

About the wage structure in this country, there must be some sense in the wage structure at least in the public undertakings, so that it should not be fixed in an arbitrary manner in which the wages should be fixed in a particular branch. Compared to other branches, one is very well off and other is not so.

I can understand the Government fceing woken up by this litigation which was going on in the High Court, and that actually woke up the Government. But this is not the way the Government should act. The Government should act by analysing, by an analytical study of, the problems which are in vogue today, existing today, and which are likely to arise tomorrow. It cannot be done in this manner that you woke up when a bell is rung by the litigation side that the case is pending involving certain consequences which are hot very payable, and, therefore the Government starts and deal, with it and decides that We would decide thig matter. That is not the way to deal with the employees working in the . public sector undertakings. Through public sector undertakings, our country has made big strides and, therefore, the Government should realise what should be the wage structure in these undertakings? We have various public sector undertakings like banking, ONGC, space technology programme and computerisation programme which is the latest coming up. The wage structure in these public undertakings should be worked out uniformly. Now, the way the Government are dealing with this problem, they at once realise after this litigation that the employees of the State Bank are in a more privileged position—getting more bonus than the other nationalised banks—and, therefore, decided to pull these people down. That is not the way to tackle this problem. The State Bank is a successor of the Imperial Bank of India. It was a privileged banking concern. At that time, there were not many private banks. Subsequently the private banks came up but could not catch the eye of the Government and the Reserve Bank of India with the net result they are giving the State Bank a picture that it was one banking institution in the hand. Therefore, the employees of the State Bank are kept in a privileged position. Now all the scheduled banks which have been nationalised, the employees of these banks and the employees of the State Bank, there is not much difference whatsoever between the two. I would request the Government to understand this point and instead of pulling down the employees of the State Bank through this legislation, they should try to provide the same facilities and amenities to the employees of the other nationalised banks. The Government should extend these facilities not only to the employees of the banking institutions but also to other public sector undertakings. The Government should bring all these employees within the same compass and we should not try to pull down the employees. If you pull down the wage structure then corruption will be rampant. If there is corruption today, it is not because that Indians are bad intrinsically. I would say

that Indian people are the most honest people in the world. But we have Veen so circumscribed that there is no other option and a picture js being presented to the world that Indians are the most dishonest people. The Government brings down the bonus facilities and the wage structure in a manner to compel them to become dishonest. People who are enjoying certain scales of pay and certain amenities, the Government should not deprive them of these facilities. What is the use of pulling down an institution which a working properly and which has rendered good account of itself. Why do you want to bring discontent to that institution? There are lot of workers who are working properly and are in a state of satisfaction and the Government is making them dissatisfied, making them to resort to strikes. Ultimately the Government should realise and come forward that they would recognise the demands of the employees and also recognise the aspirations of the other employees and bring them on par with the higher level rather than bringing it on par with the employees at lower level. I would like to submit this is the way in which the Government should tackle the problem. The banking system today is very important not only for th« advancement of the industrial seetor but also for the rural sector. A lot of work has to be done and in the right spirit by the bank employees and the bank officials so that the benefits of the progressive policies of the nation can percolate down to the lowest level, to the most distant point, in the remote villages where there are not many facilities. For that you must have workers who a're inspired with zeal, who have the necessary inspiration to work. You cannot make soldiers out of empty, hungry stomachs. They must have a full sense of satisfaction for themselves, for their families, so that they can work effectively. Dont include these peoole also in the discontented lot because it will mean another trouble for you. I am sure the trouble is bound to come if you go about it thk way. Therefore, be imaginative, b« bold. Appoint a commission to go into the wage structure of all public sector undertakings and once for all make out categories of institutions as well as posts and pay scales of subordinate, middle category employees and senior grades. Make out a reasonable group out of these and then adhere to it, stick to it. But for heaven's sake, when an institution ig doing well, when the officers are doing well, when the employees are working all right, don't try to pull them down and include them in the discontented lot so that the whole eountry has another trouble. Therefore, T would say, you withdraw this Bill and come forward with a better piece of legislation. I have one last point before I conclude. In these matters which are of national importance—I cannot force you; I can only suggest to you—why don't you consult the Opposition? They can always make you wiser. Don't depend upon yourself. You don't have, what shall I say, even they will to do something good for the country. Consult the Opposition. Let both sides agree and come together on these matters of national importance. And a thing that comes out of consensus will be easier to implemet and there will be much lest protest. Thank you.

श्री जगदम्बी प्रसाद यादव (बिहार) : माननीय उपसभापति जी, इसमें दो-तीन बातों का इन्वालवमेंट है उसका ही मैं उल्लेख पहले करना चाहता हूं फिर इस विधेयक पर बात करना चाहता हूं । एक बात तो यह है कि यह मामला जुडिशियरी का है । क्या सरकार को अपनी न्यायपालिका पर भरोसा नहीं रह गया कि उनके न्याय को न मानकर इस विधेयक की पद्धति को विकसित करना पड़ा या उनके न्याय से आक्रांत होकर ऐसे विधेयकों का सहारा लेना पड़ा । दूसरे इसमें इंडस्ट्रियल डिस्प्यूट

[श्री जगदम्बी प्रसाद यादव]

एक्ट भी इन्वाल्व है । वह भी इसमें एक बार बैठ चुका है । दो-दो इशु इसमें हैं । दूसरी बात मैं यह कहना चाहता हूं कि इम्पीरियल बैंक जो बाद में स्टेट बैंक बना उसके भी दो भाग हैं । इम्पीरियल बैंक के नाते उन्हें कस्टमरी बोनस था जो 40 वर्ष से मिलते-मिलते बेसिक पे के साथ सर्विस कंडीशन में मिल कर एक फंडामेंटल राइट के रूप में हो गया । दूसरे इम्पीरियल बैंक सेन्ट्रल बैंक का भी काम करता था । आज इसका काम जब रिजर्व बैंक बना तो उसने ले लिया । यहां पर जब रिजर्व बैंक बना तो यह कहा गया कि रिजर्व बैंक कोई अर्न नहीं करता इसलिये कोई प्रोफिट का सवाल नहीं है और इसलिये बोनस नहीं है । बोनस न होने के बाद भी उसने पे स्केल सबसे अच्छे रखे थे । आज जो वर्तमान पे स्केल हैं वह किसी भी बैंक से अच्छा पे स्केल है । तो यह बोनस न देते हुए भी यह स्थिति है । ये तीन चार मुद्दे हैं जिन पर मैं चाहता हूं कि मंत्री जी विचार करें ।

अब मैं इस बिल पर आता हूं । आप इस बिल को स्टेट बैंक कर्मचारियों को दी जाने वाली सुविधा को समाप्त करने के लिए एक तरफा लाये हैं । एक-व्यवहार करने के बाद भी जब कोई रिस्पोन्स नहीं हुआ तो फिर कोर्ट में जाना पड़ा । आपने भी कोर्ट में कंटेस्ट किया । कोर्ट ने उनके पक्ष में निर्णय दे दिया । उसके बाद फिर मामला कोर्ट में गया । वहां पर इसको इंडस्ट्रियल डिसप्यूट मानकर रेफर किया गया । उसके बाद एवार्ड उनको ही मिला । एवार्ड के खिलाफ आपने रिट किया । इस प्रकार से केस बराबर चलता रहा । जब आपने कोई रास्ता नहीं देखा तो आप अब इस बिल को सदन में लाये हैं । जैसा कि हमारे मित्रों ने कहा कि आप इस बिल को हेपहेजर्ड-ले में सदन में लाये हैं । अभी महन्ता जी ने कहा कि अगर आपको इस तरह से लाना ही था तो विरोधी दलों से भी विचार कर लिया जाता तो अच्छा होता । अगर विचार-विमर्श करके इस बिल को लाया गया होता तो एक सम्यक एवार्ड के रूप में, सम्यक सुविधा के रूप में जितने भी राष्ट्रीयकृत बैंक हैं उन सब को एट पार एक्विलेन्स किया जा सकता था । इसमें किसी को किसी प्रकार की दिक्कत नहीं होती । जहां पर इंडस्ट्रियल डिसप्यूट इन्वोल्व है, जहां पर आप रिजर्व बैंक को यह सुविधा देते हैं वहां पर इन लोगों का सवाल आ जाता है । जिस काम को ये लोग पहले किया करते थे उस काम को अब रिजर्व बैंक करता है और इसके लिए उनको सुविधा दी जाती है तो फिर सवाल यह उठता है कि स्टेट बैंक के कर्मचारियों को उस सुविधा से वंचित क्यों रखा जाय ? तीसरी बा मैं यह कहना चाहता हूं कि पिछले 40 वर्षों से वे इस सुविधा को प्राप्त करते आ रहे हैं, अब अगर उसको समाप्त किया जाता है तो स्वाभाविक है कि इसमे उनको तकलीफ होती है । इसके बजाय अगर आप इस बात पर विचार करते कि यह सुविधा अन्य राष्ट्रीयकृत बैंकों के कर्मचारियों को भी दी जा सके तो अच्छा रहता । अगर इन बातों पर विचार करते तो सब के साथ न्याय होता । आज यह भी सवाल उठता है कि जन-साधारण की बैंकों के संबंध में क्या स्थिति है ? जन-साधारण का यह कहना है कि बैंकों के कर्मचारियों और अधिकारियों को अधिक वेतन और अधिक सुविधाएं मिलती हैं, लेकिन जन-

साधारण समझता है कि उसको जितनी सुविधाएं मिलनी चाहिए उतनी नहीं मिल रही हैं जो कोई भी सार्वजनिक कार्यकर्ता जब इस बिल पर बहस करेगा तो जनता के बातों को कहे बगैर नहीं रह सकता है । यह ठीक है कि सरकार ने बैंकों की सुविधाएं आज गांव-गांव तक पहुंचा दी हैं । गांव के लोग भी यह समझने लगे हैं कि बैंकों से उन्हें सुविधाएं मिल सकती हैं और वे अपनी जमा पूंजी को बैंकों में रख सकते हैं । लेकिन बैंकों की जो प्रक्रिया है उसको समझने में उनको कठिनाई होती है । इस प्रक्रिया को समझने में सबसे बड़ी बाधा यह है कि बैंकों का सारा काम-काज अंग्रेजी भाषा में होता है । आप जानते हैं कि अंग्रेजी भाषा भारत के किसी प्रदेश की भाषा नहीं है । आज स्थिति यह है कि बैंकों का काम स्थानीय भाषा में या प्रदेश की भाषा में या हिन्दी में नहीं होता है । हिन्दी लगभग प्रत्येक प्रान्त में समझी जाती है । बैंकों का काम आंचलिक भाषा में न होने के कारण जन-साधारण को उसकी प्रक्रिया को समझने में कठिनाई होती है । दूसरी बात यह है कि बैंकों की प्रक्रिया के संबंध में आम लोगों को जो जानकारी होनी चाहिए वह नहीं हो पाती है । इसलिए आवश्यकता इस बात की है कि जन-साधारण को बैंकों की प्रक्रिया से अवगत कराया जाय । तीसरी बात मैं यह कहना चाहता हूं बैंकों में जो लूट चल रही है उसमें कभी कभी बैंकों में काम करने वाले लोगों का भी हाथ होता है । कहीं तो बैंकों को जबर्दस्ती लूटा जाता है । इसलिए मैं मंत्री जी से यह निवेदन करना चाहूंगा कि इस बिल को पारित करने के पहले अगर वे इन बातों पर विचार कर लें तो अच्छा रहेगा । चूंकि इस बिल का संबंध बैंक इम्पलाइज से है, इसलिए उनके दर्द को समझने की जरूरत है । जो सुविधा उनको पिछले 10 वर्षों से चल रही थी अब आप उसको समाप्त कर रहे हैं । रिजर्व बैंक के लोगों को विशेष पे स्केल अपने दिया हुआ है । बाकी की सुविधा को उनके वेतन में इनक्लूड किया गया है । अगर आप इस सुविधा को स्टेट बैंक के कर्मचारियों के लिए समाप्त करेंगे तो स्वाभाविक है कि उनको इससे दर्द होगा । बल्कि आप देख लें कि किस तरह हम जो राष्ट्रीयकृत बैंक हैं उनकी क्या हम अच्छी स्थिति कर सकते हैं मैं आशा करता हूं कि मंत्री जी का इस पर जो वक्तव्य होगा उससे जो हमारे सभी इम्पलाईज हैं उनकी प्राबलम्स का साल्यूशन होगा ताकि उनको फिर से कोर्ट में न जाना पड़े बल्कि मंत्री जी के द्वारा ही उनकी समस्याओं का निराकरण होगा ।

SHRI M. M. JACOB (Kerala): Mr. Deputy Chairman, I rise to support the Banking Laws (Amendment) Bill, 1984.

I am very happy to support this Bill because it is a Bill much required for the simple reason that in respect of the same type of work done by the employees of the nationalised banks there need not be a distinction among the employees in the banking industry in the public sector. From this point of view it is a very welcome Bill which seeks to make things normal.

Some of my Hon'ble friends from the opposition and some from this side also were mentioning about the old Imperial Bank of India which turned ultimately itself into the State Bank of India. If payment of bonus is a customary practice stated by the Imperial Bank of India, I am afraid that the nature of work performed by the Imperial Bank of India and the nature of work done by the State Bank of India are not the same. That itself

[Shri M. **M. Jacob]**

is a factor which should invite a fresh look to the role and responsibility of the State Bank of India. The role and responsibility of the employees of the State Bank of India are the same as the role and responsibility of the employees of the other nationalised banks in the country. When we talk about unification of bonus for the employees of the various banks, we have to look to the whole thing giving emphasis to the security and facilities of the bank employees as a whole. I would request ,the Finance Minister to have a new look to the facilities offered to the employees of the various banks.

We are now opening more and more branches of banks in the remote and rural areas. When we nationalised the banking industry in 1969 we had only 8,321 branches in the whole country. Today we have 44,583 branches of these banks, with a majority of them in rural areas. As you know, the living conditions in the rural areas-are very difficult and the banking staff posted in rural areas have to face various difficulties.

I think that the Government through clause 5 of this amending Bill seeks to insert new section 12-A in Act 40 of 1980.

Sub-section (3) of this new Section 12-A reads thus:

> The provisions of this section shall have effect notwithstanding any judgement, decree or order of any court, tribunal or other authority and notwithstanding anything contained in any other provision of this Act or in the Industrial Disputes Act, 1947...

When you make this new insertion, you are taking upon your'self a tremendous responsibility. That is why I laid more emphasis on the security and facility of bank employees working in rural areas.

Now I come to another point an that is about the problems faced con sequent upon the increase in the num ber of branches, the increase in th deposit ratio and the increase u money. A parallel banking systen has come up in this country. I maj refer to this particular factor thougl-, it does not directly come under tht Bonus Act or under this Bill. A parallel banking industry has come up in the private sector in the form of parallel private financial institutions. Recently a study was conducted by the University of Calicut on the impact of these private financial institutions on the economy of the country. This has been brought out in the Economic Times dated July 16, 1984. This study particularly relates to the State of Kerala. This interesting factor has been brought out in the above issue of the Economic Times under the headline:

'BLADE COMPANIES BLEED KERALA'

This report reads thus:

> "With deposits running into several hundreds of crores of rupees, the parallel banking system in Kerala is impairing the functioning of the commercial banks and becoming the key source of finance for speculative activities."

There are about 12,000 private financial institutions in that State alone. There are more so in other States. I say this because all these parallel private financial institutions distort the banking sector as a whole. I find that when we are trying to give a uniform pattern of bonus and salaries to the employees in the banking sector and look to the welfare and security of the bank employees, there is another sector, a parallel sector, which is growing and I think the Finance Minister has to go deeper now into this aspect because this parallel sector will not only jeopardise the whole econo-

mi$_c$ structure, but wiH also create problems like parallel economy and black money i$_n$ this country. It is the banking industry which has to control the growth of black money, which has to control and check the growth of the parallel economy and, so, the banking industry has to give a serious thought to this problem and see that the parallel economy is not allowed to grow in the name of financial institutions in the private sector. So, this is a matter which is to be seriously considered. Then, Sir, this Bill is a new venture so far as bonusi is concerned. But 1 think that if you allow the State Bank of India staff to have a separate pattern in the name of customary bonus or in the name of settlement to be arrived at, problems will arise and this would be an inducement to the staff in the other 19 nationalised banks also to claim more and to come out, at the time of negotiation and settlement, with new arguments for new scales of pay and bonus and everything new. So, this will vitiate the uniform pattern of the banking industry as a whole. In order to maintain a uniform pattern, it is very necessary to stick to the same pattern in the whole nationalised banking sector. Thank you, Sir,

श्री हुक्मदेव नारायण यादव : उपसभापति महोदय, मेरा मन तो करता था कि इस विधेयक का कुछ-कुछ समर्थन करूं लेकिन मैंने देखा कि सरकारी पार्टी के ही जो ट्रेड यूनियन चलाने वाले भट्ट साहब हैं वे ही इस विधेयक का विरोध करने लगे ।

श्री उपसभापति : नहीं, विरोध नहीं किया, उन्होंने समर्थन किया था ।

श्री हुक्मदेव नारायण यादव : मैंने देखा कि ट्रेड यूनियन चलाने वाले चाहे वे सरकारी दल के हों या विरोधी दल के हों उनकी एक जमात बन गई है और वे सोचते हैं कि हम ट्रेड यूनियन के दृष्टिकोण से मजदूरों के दृष्टिकोण से देखें कि हमारे ट्रेड यूनियन पर इसका क्या असर पड़ेगा । एक तरफ सरकार इस कानून को ला कर के सभी राष्ट्रीय.त बैंकों के कर्मचारियों की सुविधाओं को एक समान करना चाहती है और दूसरी तरफ सरकार के द्वारा संचालित जो ट्रेड यूनियंस हैं उसके अधिकारी इसका विरोध करते हैं तो सरकार दोनों लाभ लेना चाहती है । सरकार सत्ता में रह कर चाहती है कि हम अन्य कर्मचारियों के सामने इस छवि को निखारें कि हम सब को एक समान करना चाहते हैं और सब को बराबरी में लाना चाहते हैं और अपने ही कानून के जरिये उस ट्रेड यूनियन को उकसावा देती है कि नहीं यह जो कानून लाया गया है यह गलत है । अर्थात पक्ष में हो तो भी सरकार के साथ और विपक्ष में हो तो भी सरकार के साथ अगर इस कानून से कोई लाभ हो तो वह भी सरकार को मिले और अगर इससे नुकसान हो तो वह भी सरकार के साथ उसके लिए आपको ट्रेड यूनियन है ही और जिसके लीडर भट्ट साहब हैं जो वहां जा कर के भाषण करेंगे कि हमने आपके हक के लिए कहा था । सरकार की यह जो स्थिति है यह उस प्रकार से है जैसे दो जीभ वाला जानवर होता है । आप जानते हैं कि दो जीभ वाला जानवर बड़ा खतरनाक होता है और वह खतरनाक जानवर है सांप जिसको वह इस धरती पर काट लेता है वह बचता नहीं है । मेरा कहना यह है जैसे सांप की दो जीभ होती हैं सरकार की भी दो जीभ हैं । एक तरफ से विरोध करो और दूसरी तरफ से उसी का समर्थन करो दोनों को बटोर कर अपनी झोली में रख लो । मैं सरकार से जहां तक यह प्रश्न है जब सभी राष्ट्रीय.त बैंकों की मालिक सरकार है कोई अलग अलग मालिक नहीं हैं, व्यवस्था नहीं है, सभी बैंकों के कर्मचारियों को एक समान

[श्री हुक्मदेव नारायण यादव]

सुविधाएं मिले मैं इस बात से सहमत हूं चाहे वह कोई भी बैंक हो । बैंक कोई अलग नहीं हैं, सब सरकार के हैं फिर यह नहीं होना चाहिये कि एक बैंक के कर्मचारियों को ज्यादा वेतन मिले, दूसरे बैंक में उससे भिन्न सुविधा, तीसरे में भिन्नहीं और चौथे में भिन्न सुविधाएं मिलें, यह बात ठीक नहीं है जहां तक एक समान सुविधाएं सब को देने का प्रश्न है, सबको एक समान स्तर पर लाने की बात है, मैं इस सिद्धान्त का समर्थक हूं । लेकिन घटाने के बनिस्बत आप बढ़ा ही देते तो क्या नुक्सान हो जाता ? स्टेट बैंक कर्मचारियों को जितनी सुविधाएं मिल रही थी उसी के स्तर पर इन सब को उठा कर रख देते तो आपको ज्यादा लाभ मिलता । स्टेट बैंक के कर्मचारी तो खुश थे ही बाकी बैंकों के भी लाखों कर्मचारी हैं वे भी आपकी जय जय कार करते और चार महीने के बाद आपको ही वोट देते । हम को तो वे वोट देंगे नहीं वैसे भी जो सरकारी कर्मचारी हैं जो ज्यादा सुविधाभोगी लोग हैं वे तो लोक दल को मानते हैं कि यह किसानों और गांव वालों का दल है । लेकिन तब ही समता का दर्शन जहां तक है, मैं उस सिद्धांत का समर्थक हूं और घटाने की बनिस्बत बढ़ा देते तो और अच्छी बात होती तथा जिनका बढ़ाते वे आपको इनकम टैक्स भी देते । घूम घुमाकर उसमें से कुछ न कुछ कटकर सरकार के पास आ ही जाता और बैंक के पास जो करोड़ों रुपया फिक्स डिपाजिट में मुनाफे का जमा है उसमें से इन कर्मचारियों को मिल जाता तो सरकार को घाटा लगने वाला नहीं था, सरकार उसमें से दे देती । लेकिन जब इन सरकारी संगठित मजदूरों के वेतन और भत्ते तथा सुविधाओं को आप बढ़ाते हैं तथा जब वे नारा लगाते हैं तो थोड़ा थोड़ा हम गांव के रहने वाले जो किसान हैं उनके रोएं भी कलप उठते हैं । इसलिए कि जितनी इनकी सुविधाएं बढ़ती हैं उतना वह सब बोझा हमारे ऊपर बढ़ता जाता है । हमको लूटते जाते हैं और इनका बढ़ना जाता है ।

उनका जितना बढ़ाना हो बढ़ाइये लेकिन कृपा करके हमारे ऊपर बोझा मत बढ़ाइयेगा, उसके बाद मत लूट लीजियेगा । हमारे खेत में पानी की कटौती हो जाये, बोरिंग में कटौती हो जाये, स्कूल में कटौती हो जाये, सड़क, बिजली में कटौती हो जाये और कर्मचारियों के ऊपर खर्च बढ़ा दिया जाये, यह हम नहीं चाहते हैं ।

आखिरी बात निवेदन करूंगा कि रुपया जितना चाहे बढ़ाते चले जाइये लेकिन कुछ काम भी कीजिए । मैं उदाहरण देता हूं । कई बार मैंने कहा है कि हमारे बिहार के अंदर जो बैंक वाले हैं और अन्य कर्मचारी हैं जिनको बेबी व्हाइट एलीफेंट कहते हैं, पूरा हाथी नहीं, बेबी कहते हैं, ये लोग हमें लूटते हैं । कृष्णा साहब आप इसको नोट करिये, प्रधान मंत्री जी सम्पूर्ण इन्क्वायरी करा रही हैं, मैं उनको धन्यवाद देता हूं, वित्त मंत्री श्री प्रणब मुखर्जी ने इस पर इंक्वायरी कराने के लिए सारे बैंकों में लोग भेजे हैं, मैं उनको धन्यवाद देता हूं लेकिन इन्क्वायरी कौन कर रहा है ? जो चोर हैं वही चौकीदार । बाप बेटा दलाल और बैल का दाम 12 आना । उसी चोर से आप पूछते हैं कि क्या यह सत्य है और वह चोर लिख देता है प्रधान मंत्री जी के पास कि यह

गलत है, हुक्मदेव नारायण यादव गलत हैं । मैं मांग करता हूं कि सदन की एक कमेटी आप बनाइये, किसी मिनिस्टर को जिम्मा दीजिए या कांग्रेस पार्टी के जो जिम्मेदार 2–3 सदस्य हैं उन्हीं को दीजिए और उनको कहिए कि मैंने जो आरोप लगाए हैं उनकी जांच कराइये कि जो पाइप 16 रुपये फीट है उसको बैंक ने किसानों को दिया है 25 रुपये फीट, स्ट्रेनर 185 रुपये प्रति है बैंक ने दिया है 260 रुपये प्रति किलोस्कर, पुसा या जो भी पंप सेटस हैं इनकी कीमत ओपेन मार्केट में 45 सौ है और किसानों को दिया है 55 से 65 सौ रुपये में । जो ये बैंक्स हैं, ये लुटेरे लोग हैं । रिजर्व बैंक ने कहा कि उनको इन चीजों के होल सेल प्राइस मालूम नहीं हैं, रीटेल प्राइस मालूम नहीं हैं । मेरे पास कागज है, इस सदन में दिया हुआ जवाब है । मैं फिर आरोप लगाता हूं कि इस देश में सबसे बड़ा बैंकों का मालिक जो रिजर्व बैंक है वह जो अपनी बुलेटिन निकालता है और जिस बुलेटिन से ही दुनिया में लोग जानते हैं कि हिंदुस्तान में होल सेल प्राइस क्या है, रीटेल प्राइस क्या है, प्राइस का सिस्टम क्या है, उस बुलेटिन में रिजर्व बैंक कहता है कि पम्पिंग सेट का, पाइप का या इन चीजों का रिटेल कीमत क्या है, यह उसको पता नहीं है । तो जिस देश का रिजर्व बैंक इतना झूठ बोलता हो, जिस देश का रिजर्व बैंक इतना गैर जिम्मेदार हो, जिस देश का रिजर्व बैंक लूट में शामिल हो, किसानों का खून चूसता हो उस देश के बैंक के अन्य कर्मचारियों के बारे में कुछ नहीं कहा जा सकता है । ये सब बैठकर किसानों को लूटते हैं । जो गांव में रहने वाले किसान हैं उनके लुटेरे हैं, उनका खून चूसते हैं। इसलिए सरकार इन की सुविधाएं बढ़ाये तो बढ़ाये लेकिन अंकुश भी इतना लगाये कि लूटे नहीं और किसानों का खून चूस चूसकर जो ये मोटे तगड़े बन गये हैं उनकी भी मोटाई को धक्का मुक्का करके कम करे जिससे ये सही रास्ते पर आयें .... (व्यवधान)

श्री चतुरानन मिश्र (बिहार) : उपसभापति महोदय, जो बिल सदन के सामने आया है उसका एक सीमित उद्देश्य है । सीमित उद्देश्य यह है कि बहुत दिनों से जो कस्टमरी बोनस की सुविधा स्टेट बैंक के इन कर्मचारियों को मिल रही थी उसको सरकार छीनना चाहती है । यही एक मात्र उद्देश्य इस विधेयक का है । मंत्री महोदय ने इस सदन को गुमराह करना चाहा है । मैं सबसे पहले उसी की चर्चा करूंगा । उन्होंने कहा कि वह समता लाना चाहते हैं कि जैसे अन्य बैंकों में है उसी तरह से इस बैंक में हो । मैं मंत्री महोदय से पूछना चाहता हूं कि अगर इस बैंक में पेंशन स्कीम है तो बाकी तमाम में भी पेंशन स्कीम लगाकर आते तो आपकी बात सच होती कि ऐसी बात हो रही है । आपने पेंशन स्कीम सबों के लिए क्यों नहीं की । मैं आपसे यह पूछना चाहूंगा कि जब बैंकों का राष्ट्रीयकरण हुआ, तो अफसरों को कस्टमरी बोनस के बदले पे में एडजस्ट कर दिया गया, इंक्रिमेंट दे दिया गया, प्रोमोशन दे दिया गया 1956 में और कर्मचारियों को वैसा आपने नहीं किया तो फिर समता कहां है ?

इस तरह से हाउस को मिसलीड करके रखना, यह उचित बात नहीं है । आपने कहा कि कानून में सब को समान होना चाहिए, कस्टमरी बोनस का कानून ही तो बनाया है इसी सदन ने या पूरे संसद ने कस्टमरी का मतलब हुआ कि किसी एक को है, किसी एक को नहीं है । अगर सब [illegible] रहता तो

[श्री चतुरानन मिश्र]

कस्टमरी कैसे होता ? मंत्री महोदय ने इस मुद्दे पर भी हाऊस को मिसलीड करना शुरू किया है और यह अत्यंत ही दुखद है । यह बिल हाइली इम्मोरल है । इम्मोरल हम इसलिए कह रहे हैं कि पहली बात तो यह कि सुप्रीम कोर्ट में सरकार पार्टी बनी, यूनियन के लोग पार्टी बने और सुप्रीम कोर्ट में फैसला हुआ कि यह मामला नेशनल ट्रिब्यूनल को सुपुर्द कर दिया जाए । नेशनल ट्रिब्यूनल को सरकार ने पार्टी हो कर सुपुर्द कर दिया और नेशनल ट्रिब्यूनल ने जब मजदूरों के पक्ष में फैसला दिया है, तब सरकार इससे मूकर जाती है । ऐसा नैतिक पतन क्या सरकार को दिखलाने का अधिकार है ?

मैं मंत्री महोदय से पूछना चाहता हूं, और फिर उपसभापति जी, यह प्रश्न उठ जाता है कि आगे से मजदूर आंदोलन का क्या होगा ? हम लोगों में जब कभी वाद-विवाद हो जाता है, तो हम लोग कोर्ट में चले जाते हैं और कोर्ट जो फैसला देती है, तो उसको दोनों पक्ष मान लेते हैं । यहां पर क्या हुआ कि सुप्रीम कोर्ट में गये, दोनों पक्षों ने नेशनल ट्रिब्यूनल दो पंच मान लिया । अब चूंकि फैसला इनके विपक्ष में आया, तो कानून बना करके अब यह चाहते हैं कि इस तरह से हमको वंचित कर दे । यह घनघोर नैतिकता विरोधी है ।

तब कल से सरकार की बात पर कैसे कोई मजदूर आंदोलन का आदमी भरोसा करेगा । फिर जब यह ट्रिब्यूनल में हार जाते हैं, तब चले गये हाई कोर्ट में । हाई कोर्ट में जब हारने की बात आ गई है, तो फिर से चले आए कानून बनाने में । तो कल से मजदूर आंदोलन किस आधार पर चलेगा ! अब तो कोर्ट पर भी विश्वास नहीं रहेगा । आपस में समझौते का जो आधार होता है, समझौते का मूल्य जो होता है, जिन मूल्यों के आधार पर हम मजदूर आंदोलन चलाते हैं, उसको भी यह विधेयक तहस-नहस कर देता है ।

इसीलिए यह विधेयक अत्यन्त ही घनघोर इम्मारल है और यह बच्चा इल्लिसिट कनेक्शन का है और इतना कुद्रुप है कि इनटक के लोग भी इसका पक्ष नहीं ले सके ।

इसलिए मैं सरकार से आग्रह करूंगा कि इस मजदूर विरोधी बिल को बिलकुल वापिस ले लें । जिस तरह इन्होंने अफसरों के लिए एजस्ट कर दिया था कस्टमरी बोनस को, इसी तरह इन कर्मचारियों के लिए भी इसको एडजस्ट करके कोई रास्ता निकाल लें आपसी समझौते के जरिए और पेंशन स्कीम जो स्टेट बैंक के लिए है, वही वह अन्य बैंकों के लिए भी दे दें और तब यह समझा जा सकता है कि यह समानता के लिए कोई आधार कायम करते हैं ।

इस सिलसिले में मैं यह भी कहना चाहूंगा कि अगर अदालत में कोई चीज विचार के लिए हो, तब क्या यह अदालत पर अविश्वास नहीं है कि हम लोग इसको कानून बना करके उस मामले का समाप्त कर दें ? (**समय की घंटी**)

माननीय मंत्री, श्रम मंत्री नहीं हैं, लेकिन इसी तरह के बैंक अवार्ड की बात है कि जब बैंक अवार्ड को सरकार ने नेहरू जी के वक्त में अमेंड किया तो तत्कालीन श्रम मंत्री वी.वी गिरि साहब ने इस्तीफा दे दिया था---इस देश की एक परम्परा यह थी और एक

परम्परा यह है कि आप अगर कोर्ट में हार जाएं, सुप्रीम कोर्ट के फैसले को भी नहीं मानें और दुबारा हाई कोर्ट में भी जाएं, तो भी हारने की बात हो तो कानून को अमेंड करने के लिए लाए हैं---इसलिए यह अत्यंत ही नैतिकता विरोधी, मजदूर आंदोलन जिन सिद्धांतों पर चलता है, उसको यह पददलित करना चाहते हैं। अंतिम बात मैं यह भी कहना चाहता हूं कि आपने इमरजेंसी के टाईम में यह कस्टमरी बोनस का अधिकार छीनना शुरु किया, लेकिन आप नहीं छीन सके । आपात्-काल के दौरान---आपात्काल में जिस घनघोर अनैतिक काम को आप नहीं कर सके, उसको अभी आप करना चाहते हैं । इसलिक मैं आपसे अनुरोध करुगा कि आप इसको वापिस कीजिए, वरना बड़ी-बड़ी हरतालें होंगी, हंगामें होंगे। अगर अभी जतना हंगामा है देश में उससे आप संतुष्ट नहीं हैं, तो और, एक दो खरीद लीजिए, हम भी तैयार हैं ।

इसलिए मैं आपसे अनुरोध करुगा कि इस, बिल को वापिस ले लीजिए।

SHRI PUTTAPAGA RADHAKRISHNA" (Andhra Pradesh): Mr. Deputy Chairman, Sir, I do not consider this Bill to be a progressive law, as claimed by the ruling party Members and the Minister introducing the Bill. Generally, whenever the porvisions relating to the service conditions jf employees come up for a change, they will not be changed to the disadvantage of the employees. But here the provisions of this Bill are curtailing the existing benefits of some of the employees. So, it is not a progrissive law as claimed by Mr. Ramakrishnan. I do not understand what progress is in it Ther* is no progress in it »ind these provisions are not in the interests of the working class. In fact, ii----- i-v,+. *nt* th» working class people are taken away. If really it was the intention to bring about uniformity, claimed by the Minister, they should have brought forth legislation extending the benefits of bonus under clause 13 of section 2 of the Payment of Bonus Act to these employees also. This is not a new provision. This has been there for the last three decades, i.e., 30 years, and that is being proposea to be taken away. Sir, of course, the 1970 Act, that is the Banking Companies (Acquisition and Transfer of Ownership) Act was progressive, though it was a part of the efforts of the Government making ground for dividing the Congress. That is not being questioned now. This cannot be claimed to be a progressive law and there is *n»* uniformity. First of all, the banks already nationalised are not working properly. The nationalisation of banks was meant to mobilise the funds for investing in agriculture so as to benefit the small farmers, small traders and other working class people. In fact, there has been a. tedious procedure and this formality cannot be completed by the email people. They are not properly working and the benefits of banks, which was the aim of nationalisation of banks, is not properly reaching the poor people. That is why the Government must take some steps to see that the benefits reach the common man. Instead of taking those steps, they have proposed this Bill and taken away the benefits of the working class employees. There should be a uniform policy of the Government on this matter.

Sir, it wiH not be out of context to mention here that the other day the hon. Finance Minister, Mr. Pranab Kumar Mukherjee, stated in Hyderabad that the supply of rice to the poor people at the rate of Rs. 2 per kg. was nothing but misuse of funds. Now, the newly installed puppet Government declared... (^terruptions). Is it misuse of funds or benefit to the people? *(Interruptions). (Time bell rings).*

AN HON. MEMBER: Sir, this is misuse of the forum. *(Time bell rings).*

SHRI PUTTAPAGA RADHA-KRISHNA; Sir, I oppose thi$_s$ Bill and request the Minister to withdraw it before putting it to vote.

SHRI CHIMANBHAI MEHTA (Gujarat): Mr. Deputy Chairman, Sir, I know that this Bill although limited to a particular bank is laying down a principle which may have wider implications and therefore I have got to say a few words. Under the present Bonus law 20 per cent of the salary of the entire year can be given as bonus; that i$_s$ the maximum to which they are eligible. These are State banks, nationalised banks. The question should also be posed as to why we did not improve our working standards. It is a fact that banking business has responded well and has gone to rural areas and because of the nationalisation of banks, people have benefited tremendously. There is no doubt about it. But the banking management at such has not improve^ to the extent it should have improved. There is the Board of Directors at the national level; they operate at national level. When the business of the bank is enormously expanded, it is very much required that there should be some local supervision, some regional supervision, because a director sitting either at Bombay or at Delhi cannot efficiently expand the business or give benefits to the people as well as to the employees. Here lies the lacuna, and I would suggest that when the nationalised banks are operating throughout the country—it is almost a monopoly financial agency; of course there are local banks also—their performance should improve. And having failed to achieve their desired performance, they have now come with this Bill in the name of uniformity of wages and bonus because they are afraid that something might come up in the High Court. And, therefore, this is a preI ventive measure. But, Sir, only a preventive measure is not sufficient, and this is not the only remedy. The question- to be posed is, what are we going to do at the local level of the branches, and at the regional level. The co-operative banks at the local level$_s$ are $_c$oming up fast and sometimes people prefer a co-operative bank. Why is it so? It is because, for them, it is easy to get the finance better services.

The co-operative bank coordinates its business with the business of the trading community and other smaller people. So, these local banks, these co-operative banks are very successful. Some of them may be fraudulent also; I do not defend them at all. But what I feel is that on the basis of the experience of these cooperative banks, the nationalised banks also should draw lessons to see how an element of democratic functioning can be introduced at the local levels and regional levels. I know, on the Board of Directors, some of the members cannot even give advice to the regional managers of the banks in order to help the poor people of the area in getting required finance, because it will be otherwise considered to be interference, and hence, they are hesitant to speak to the local managers. I am also aware that there may be some other repercussions if they try to interfere in any manner. In spite of our attempts to make the finance through the nationalised banks available to poor people, I know, a big chunk of it is going to big people, the rich people who are influential and who know how to manipulate banking rules, and the poor people who do not even know how to apply for loans, are not benefited. I would, therefore, request the hon. Minister to consider my proposal and apply his mind to it. If small people are brought into the mainstream of the India$_n$ economy, they will also make quite a big contribution to the Indian economy. The problem today is; to utilise the man-

power properly. I would, therefore, urge upon the Minister to consider this. In the end I would like to get a factual reply from the hon. Minister to *one* question. Suppose, the agreement between the employees and the bank is going to be implemented, what would be the additional burden -on the bank? That is my question.

SHRI S. W. DHABE (Maharashtra): Mr. Deputy Chairman, Sir, this is one of the blackest Bills brought forward by the Government in the House which deprives the workers of their bonus. I am surprised, even my friends from Tamil Nadu, where this dispute is going on, have supported the Bill. I can understand their supporting the Government on other matters but not On a matter like this.

Now, Sir, what is the genesis . of this Bill? The Government has neither followed the principles or practice of, what my friend has *sa\A,* litigation and what- is called moral obligation, nor it has examined the provisions of any industrial disputes laws. When the workers were deprived of the bonus during the Emergency because of the amended Bonus Act, and when 1975 bonus was paid as ex-gratia, they filed a writ petition in the Supreme Court and the Union Government in the Supreme Court agreed by consent to make a reference to the National Tribunal. Shri A. P. Sharma, who is sitting here, is a trade unionist. He knows it that if a voluntary reference under section 10A is made by consent, it |g binding on all parties, whether you like it or not. So, a reference was made to the National Tribunal constituted under section 7(A) after the Government gave a commitment before the Supreme Court. Now it is not proper for the Government to go back on iheir commitment. A retired judge was appointed to head the Tribunal. He has given an award under section 7(A) and this award is binding on ■-<-=-- TJ. 4 „n+ho *rznvern-*

i ment wanted to take action, section 17(A) of the Industrial Disputes Act itself says_____

MR. DEPUTY CHAIRMAN: Don't read it.

SHRI S. W. DHABE: I am not reading it. Don't be in a hurry.

Section 17(A) provides that Government can modify the award. Even the powers are given of rejection of an award. The only condition for rejecting the award is, after it is made, they have to place it before the Parliament and get its approval. Instead of doing all this, they have brought forward this Bill. They are saying it is for uniformity of bonus and they want to follow the provisions of the bonus payment Act. The payment °f Bonus Act is not applied uniformly to the whole of the country. Section 32 excludes the Central Government employees from the operation of the Payment of Bonus Act. The hon. Minister here had announced that some days back. Though Government employees were not covered under the Payment of Bonus Act, the Central Government employees were given *ad hoc* 15 days' bonus. Similarly, the Act provides that the bonus can be paid to the extent of 20 per cent, but there are many public undertakings which are paying more than 20 per cent bonus, in the name of ex-gratia payment. Indian Oil Corporation and even private sector companies are making ex-gratia payments. Not only that, the Mazagon Dock Management which is the public sector, is not following the direction given by the Bureau of Public Enterprises. Mazagon are paying 300 per cent dearness allowance. If the salary is Rs. IOO, Rs. 300 is the dearness allowance. If the salary is Rs. 1000, Rs. 3000 is the dearness allowance. Not only that, here an announcement was made that they would have a uniform policy for wages agreements and it would not be retrospective; they woul^ only give prospective effect. To my questions, the reply was given that uptil now all

[Shri S. W. Dhabe] the agreements were mari$_e$ with retrospective effect. Therefore the Government ha$_s$ no national wage policy—neither a wage policy $_n$or ^{a} bonus policy. All the officers and workers contribute equally for the prosperity of an undertaking, When the Payment of Bonus Act was enacted in 1965, it was essentially meant for the private sector. Public sector industries—many of them—were exempted. Under section 32 of the Payment of Bonus Act, insurance and all those undertakings and departments were exempted and were out of the purview of the Act. Th$_e$ limit was put at Rs. 1600. Now the wage rise is so much that even class HI employees are getting a salary of more than Rs. 1600, including dearness allowance. Therefore, they are not getting the bonus. Instead of raising the limit of $_{Rs}$. 1600 to Rs. 2000 or Rs. 3000, when the value of rupees has gone down to 17 paise, the Government i$_s$ following a discriminatory policy. Therefore a uniform bonus policy is very essential at this hour.

And what i$_s$ the decision of the court? You will find $^{tliat\ tn}$e decision of the court is that it is not covered by the Payment of Bonu$_s$ Act. As he is talking of uniformity ia payment of bonus, I will read out the Award of the Arulraj Industrial Tribunal (Madras). This bonus is being paid from 1945, just like the Diwali and Dussehra bonus, what we call, for that good services of the staff. The court has given four reasons for ordering payment °f bonus:

> "(a) in this case, a$_s$ the quantum of bonus at two months substantive pay i$_s$ uniform, it wiH be construed as condition of service."

Therefore for the word "bonus" they used bonu$_a$ "as a condition of service."

> "(b) I have no hesitation to hold that it is part of deferred wages and therefore this bonus, irrespective of any prohibition under any act, is liable to be paid to the Award Staff.
>
> (c) It implies therefore that what ha$_s$ been paid by way of bonus right from 1964 to the officers and Award staff is only part $_0$f wages or wages deferred annually or biannually and not ex-gratia payment.
>
> (d) In any event, 2 months substantive pay as originally paid from 1945, though with some addition subsequently after the amendment of Payment of Bonus Act, 1955, is not related to profit sharing bonus under the Payment of Bonus Act but either as customary bonus or implied conditions of service or deferred wages, the Management is bound to pay the same, in spite of prohibition of profit sharing bonus under the provisions of the Payment of Bonus Act (Amendment) 1976,"

Under the Payment of Bonu$_s$ Act, there is n» definition of "bonus". It does not say what is the meaning of "bonus". But if you see the whole scheme of bonus, it only implies profit-sharing and if there is no profit, the minimum bonu$_s$ of 8 per cent is to b$_e$ paid. Here it is paid as a "condition of service" it has got a different concept and is foreign to the domain which i$_s$ covered by th$_e$ Payment ol Bonus Act. The court has given four reasons and these reason$_s$ have been upheld by the High Court of Madras in passing an interim order.

Under the circumstances, what are the reasons which have compelled you to bring this Bill. If you had strong arguments, you could have advanced all those arguments before the Madras High Court and also the Supreme Court. To bring this Bill at this stage and to give the reason of uniformity when uniformity j$_s$ not being followed at all by the Government either i$_n$ wages or payment of bonus, is to deprive one and a half Iakh workers of the State Bank at this stage when the Awar/i io ir, tv.^:- ■«--------

when they have been getting the customary bonus from 1945, and is highly arbitrary and unjust.

Lastly, I would only like to say to the Minister that he has brought this Bill which will give rise to agitation not only among the bank employees but the other staff also. At the moment, the only parallel 1.00 P.M example is the amendment of the Representation of Peoples Act when the Allahabad High Court had given a judgement. There was no need. You could have obtained redress in th* Supreme Court when a case is pending and when you yourself are a contesting party.

Therefore, Sir, through you, I appeal to the Minister that he should seriously consider this. Do not rush through the Bill which is not only anti-labour and anti-industrial legislations policy. Therefore, I oppose this Bill.

MR. DEPUTY CHAIRMAN: Mr. Murasoli Maran.

SHRI MURASOLI MARAN (Tamil Nadu); The time is 1 o'clock, Sir.

MR. DEPUTY CHAIRMAN: We will finish it before lunch.

SHRI MURASOLI MARAN: Mr. Deputy Chairman, I rise to oppose this Bill because it is anti-workmen and aiso it deprives the bonus for more than 1.5 lakh employees of the State Bank, who have been getting the bonus for the last 31 years. I am so sorry that hon. Minister, Mr. Krishna, who is one of the most progressive Ministers in the Government, should be piloting this Bill. I do hope that he will be sorry for doing this.

Sir, as the hon. Members who preceded me, have said, behind this Bill there is a big history. Sir, the Union filed a petition in the Supreme Court under Article 34 of the Constitution. In December, 1979, the Supreme Cour* directed the Government to refer the dispute for adjudication. On June 15, 1982 they sent the dispute to the Central Industrial Tribunal, Madras. The State Bank employees are getting this 2-month's salary as bonug right from 1944 till the second half ftf 1975. Then' one of the ill effects of the emergency was, this bonus was curtailed to the State Bank employees.

Now they say, one of the arguments for bringing this Bill is, that the customary bonus is against tbe Bonus Act. Sir, the Bonus Act came into being only on the 29th of May.. 1965. But the State Bank employees have been getting this bonus until the second half of 1975 right from 1944 with unbroken continuity for more than 30 years. The Central Industrial Tribunal in Madras has categorically gtated that it is a customary bonus, that it has been construed as a condition of service, that it ls a part of deferred wages and that, therefore, the bonus should continue irrespective of any prohibition under any Act. Sir, in fact, they have rejected the arguments of the State Bank that in order to pay the customary bonus it should be linked to festivals like the Deepavali, the Pongal, Puja etc. Sir, they have been getting this bonus in two instalments, at the end of June and at the end of December each year.

Sir, these people say that they want to equalise the bonus, that they want to create rationalisation. 'Equalisatin', 'rationalisation' are all big words, a facade to hide their iatention to deprive the workers of the bonus. Sir, are we having an uniform national wage policy throughout the country? Are we having any national incomes policy for the whole country? In the absence of these now is it (convincing) to bring in equalisation of this thing? I do not agree with them. Sir, we should also remember, the Imperial Bank paid the bonus, irrespective of the salary limit, to all tbe staff, and, therefore, the State Bank of India has paid it biannually.

Another argument is, if the State Bank pays the bonus, it v/ill create

[Shri Murasoli Maran] strains, financial strains, and huge financial losses. Sir, the workers have come out with a statement that it is false. According to them, the income of the State Bank for the year ending on December 31, 1981 was Rs. 1,680 crores, and the profit was Rs. 19 crores. Sir, even if they adh^e to this policy of giving 2-monih*s salary as bonus, it wiH amount only to Rs. 2 to 3 crores. This is a flea-bite for the State Bank. It creates an impression that the British were better employers than the Government of India. It is not good. When we nationalised the banks, my DMK party had also supported the Government. The Government should be a model employer. They should show the way to others. Here what has been done? Whatever the Imperial Bank has given to its employees, has been taken away by the Government which is very tragic. If the Government would have taken away the bonus facilities to the State Bank employees at that time when Imperial Bank became State Bank, I would have agreed. But, Sir, after sleeping over the matter for so many years and used the emergency suspending Fundamental Rights, now they aro coming forward with a Bill to stop the payment of two months' salary as bonus to State Bank employees which I do not understand.' They are creating road block on the way of progress of the labour union movement.

Sir. the Government themselves are the party to refer the matter to the adjudication of the Central Government Industrial Tribunal, since the Tribunal gave the judgment asainst the Government now they arp bringing a new Bill. It is ju?t slapping on the fa^e of the Tribunal. The Government could have waited, as Mr. Dhabe pointed out, till th* Madras High Court judgment. Why tho Government is bringing forward this Bill in a hurry, I do not understand. Why the Government is antagonism^

[Shri Murasoli Maran]

1.5 Iakh employees of the State Bank on the eve of elections? Sir, I cannot understand why the Government is in such hurry to bring this Bill. I still hope the Hon'ble Minister would reconsider the matter and set the things right. These are the days of rising expectations. Sir, if the Government stops the payment of two month's salary as bonus to State Bank employees, all the employees of other nationalised banks would also join together and demand two months salary as bonus. One day or the other the limit has to be extended. Even in Germany, where labour discipline is so supreme they want less working days. On?e again. I appeal to the Minister to reconsider the matter. Thank you.

MR. DEPUTY CHAIRMAN: Mr. Veershetty Moglappa Kushnoor.

SHRI VEERSHETTY MOGLAPPA KUSHNOOR (Karnataka). Mr. Deputy Chairman, Sir, I am supporting this Bill. I am unable to understand the logic put forth by the Opposition that this is the anti-workers' Bill. Sir, here in this Bill only two things have been seated in clause 2, section 43 A:

> "No officer, adviser or other employee (other than an employee within the meaning of clause (13) of section 2 of the Payment of Bonus Act, 1965) of the State Bank shall be entitled to be paid any bonus."

Sir, according to the Payment of Bonus Act. 1965, only those employees whose pay is Rs 1600 and below will get the bonus. But the S^te Bank of India employees who are getting Rs. 1600 or more than that including officers were getting honua Due to this there was heart-burning among the employees of the scheduled banks and other nationalised banks. So, my submission to the

Government ig that either they should pay minimum 81 per cent or maximum 20 per cent. Sir, I am afraid, if the Government allows these two months substantive pay to State Bank employees some times it may exceed 20 per cent also. Therefore, my submission here is that the Opposition could have asked to change the Bonus Act instead of coming in the way of this Bill The Opposition wanted to discriminate between one section of the employees and. the other section of the employees. But certainly the Government cannot sit idle and therefore they have brought forward this Bill. By bringing this Bill, the Government has not committed any sin. The Government has only restricted the payment of bom-ts in accordance with the Payment of Bonus Act, 1965. The State Bank employees every year they are getting nearly Rs. 2-3 crores as bonus. Now, according to my information, which may be subject to correction, if they are paid from 1975 to 1983 the payment of bonus will work out to Rs 15 crores nearly. If the Government would have made this Bill with retrospective effect, I would have supported this whole heartedly. Why the State Bank employees only should get two months bonus? Why not other employees of the nationalised Banks? Are the State Bank employees putting in any extra work compared to the nationalised bank employees? All bank employees are doing the same work. Therefore, my submission is that this provision which has been introduced in all these four banking laws is a just and correct proposition. Some of the Opposition friends said that when the case is pending in the High Court, there was no need to bring such a kind of legislation at this stage. My submission is that correctly the Government has thought over the matter and they have provided in clause 3 that the provisions of this section shall have effect "notwithstanding any judgment, decree or order of any court, tribunal....." etc. Even after the passing of this Bill, if there is a Judgment of the court saying that they are entitled to customary bonus and if this section is not there in the Bill, they would be entitle^ to customary bonus in future also So my submission is that the Government has brought a very useful legislation at this stage.

Sir, it may not be out of place to mention here that the Banking Commission has stated in its report that ' there must be a permanent review committee for all the banks. There are a large number of banks, private sector banks, nationalised bankg and scheduled banks. There must be one reyiew agency in the Central Government, in the Banking Department or in some other place, where there will be legal experts who are, at the same time_ working in banks and it can review, from time to time, all these laws.

My Jast submission ic, that we have established the NABARD, the bank for agricultural and .rural development Sir, before the NABARD was stablished, there was the ACD, Agricultural Credit Department, which advanced short-term loans to agriculturists through State and District Cooperative Banks, ^t the same time, long-term loans were advanced by the ARDC, Agricultural Refinance and Development Corporation. Now these two have been merged and the NABARD has been established. For the last several years, when the ACD was there, every year there was a 20 per cent increase in the credit limits. Now, last year the NABARD advanced Rs. 1.075 crores as credit limit for the short-term loans to the State Cooperative Banks. This year I do not know why the NABARD has reduced it to Rs. 750 crores. Previously every year there was a 20 per cent increase. Unfortunately this year, the second year of its establishment, the NABARD has redu-ed the

[Shri Veershetty Moglappa Kushnoor]

credit limit and so the capacity of the State Cooperative Banks to give loans to the agriculturists is hampered. The State Cooperative Banks are demanding that these limits should be increased. With these words, I support strongly this Bill.

SHRI RAMESHWAR THAKUR (Bihar); Mr. Deputy Chairman, Sir, one can appreciate the sentiments of some of the Members on the other side, but so far as their arguments and logic regarding the interpretation of law and the historical perspective, particularly the concept of bonus, are concerned, they seem to have twisted the facts, the law and the history of bonus ih this country. I would like briefly to mention that tlie concept of bonus has four different meanings in India. The first is bonus as an incentive—incentive bonus, as we call it—which is linked with productivity. Some of the private sector concerns are giving that kind of bonus. The second is ex-gratia payment which the Staie Bank was giving, irrespective of productivity or profitability all these years. And the Governmnet had extended this facility to alj banks in the year 1975. The third is share in the profits. This is the concept adopted by the Bonus Act, 1965. And the fourth is deferred wage. This concept 0! bonus as deferred wage has neither heen accepted by any expert committee nor by Government so far.

Sir, the Government had appointed a Bonus Commission under the chairmanship of Mr. M. R. Mehr. The Government accepted the recommendation.-,- of th: Bonus Commission and enacted the Payment of Bonus Act, 1065. Now, th; Payment of Bonus .Art defines an employee under rlau?r> 13 of s<}'ion 2. as "a person dr;.\v.ng salary ur wages up to Rs 1600 per month." The Act had provided, inter alia. "A minimum 4 per cent and maximum of 20 per cent in any year out of the surpluses available for allocation".

This matter was further debated and a Bonus Review Committee was formed by the Government in 1972 under the chairmanship of Dr. B. K. Madan. On the basis of an interim report the Government, through an ordinance, amended the Payment of Bonus Act 1965 in September 1972 raising the minimum bonus *ivorn.* 4 per cent to 8.33 per cent. In this case a departure was also made that even the employees of public sector undertakings, whether they are competing or not, will be entitled to this. The Government amended the Payment of Bonus Act in June 1975 whereby only 4 per cent minimum bonus was accepted in place cf 8.33 per cent and rejected the view—this is important—that bonus was a deferred wage but made it clear that bonus would be linked to profitability and productivity. In the year 1977 when the Janata Government was in power, the Government raised this minimum bonus from 4 per cent to 8.33 per cent and asked Bhootalingam Committee to examine the question which was raised by Mr. Mohunta and others, to study the question of bonus was part of wages and policy. The Bhootalingam Committee considered the productivity-linked bonus as more logical and satisfactory but stated that due to practical difficulties the bonus provided in the Bonus Act of 1965 should be applied as it is not possible to decide the 'eve' of productivity when there is no uniformity. Therefore it is not possible to have productivity-linked bonus. Therefore, what we have to see is even during the year 1977 subsction f 13) ^r ^p-ti^ri 2 of tha Bonus Act

was not touched and it is only being sought to be applied through this amendment—to all the banks, including the State Bank of India. Earlier the State Bank use to pay one months pav at the end of every six

months on the basis of substantive salary. This was changed in 1975 by way of ex-gratia payment to be applied to all the nationalised banks including the State Bank of India. In 1977 again when the banks were brought under the Bonus Act through amendment, it was intended that the Bonus Act would be made applicable to all. We understand and appreciate it. There were cases going on in the Supreme Court. Now there are cases in the High Court, and if the High Court gives a partial judgment, the aggrieved parties will take it to the Supreme Court and thus that litigation will not end. Therefore, this measure has been intended to bring an end to such disputes. Logically they are bringing all the workers together under one law. There are more than 7 lakh workers in the banking sector We find that the State Bank employees enjoyed a certain status and certain facilities. So far as the question of bonus is concerned, there is no question that bonus should be restricted only to a certain class of employees. There has to be uniformity. Secondly, the other day from that side Shri Nirmal Chatterjee had said in some other context that there should be equal pay for equal work. If that is the accepted policy normally, as at least we believe, there should be no distinction or no discrimination even among the nationalised banks. There are about twentyeight nationalised banks. The provision should be applicable to all the banks. We can understand there may be some degree of parity in pay. But we cannot have any basic difference or discrimination in bonus. It is for this reason that uniform Acts were brought. This is a uniform Act which should be made applicable and all distinctions and differences should be done away with.

The other question is about the maximum emoluments up to which the employees would be entitled to bonus. Where the Bonus Act is applicable under Sub-section (13) of Section 2 of the Bonus Act of 196S— even in other sectors at all levels up to the uniform level of Rs. 1600. Therefore, it cannot be said that it should be applicable only to some in some sectors and it should not be > applicable to the State Bank. That will not be fair There should be uniform limit because in some places those with a salary of Rs- 2,000 or even more will get the bonus whereas at other places those who get more than Rs. 1,600 will not claim it.

About the financial burden, we appreciate it. The banking sector haa gone to the rural areas in a massive way. Out of 44,000 branches about 6,000 are manned by the State Bank of India, We cannot afford to have much distinction between the two sections of employees doing identical work. We know that as compared to the other sectors, banking sector employees are well paid. If they get something more we will be happy. But so far as bonus is concerned, it is related to productivity. We are aware that productivity in the banking sector and their profit are on the lower side. Their m-ofit has gone down on account of opening a large number of branches in the rural sector and advancing money to the rural farmers an^ others at lower rates of interest. On the toe of it. this big burden cannot be undertaken by the banking sector. If it *U* applicable to State Bank employeec it must be made applicable to other Bank emtdovees also in the nationalised se-tor. The ratio of bonus under the Bonus Act has been accented bv all *ot* u<? in all these years Therefore T feel t^is Act gives a fair deal to aH the employees '=md therefore it should be accepted by all.

MR. DEPTTTY CHAIRMAN: That wiH do. The Minister.

SHRr RAMESHWAR THAKUR: Shri Ramkrishnan said about audit. It is not two or three auditors who do this work. There are a.large num-

(Shri Rameshwar Thakur) ber of auditors doing branch audit. One-third of the branches are audit. ed in rotation and it takes time. After the branch audita, the statutory auditors complete the Head Office audit well within time. There ig no question of bringing in the Comptroller and Auditor General of India.

MR, DEPUTY CHAIRMAN: The Minister.

SHRI S M. KRISHNA: Mr. Deputy Chairman, I thank the Hon'ble Members foi throwing further light on the amendment which I moved for consideration in the House. We want certain degree of uniformity in the banking sector. Th$_e$ question, as ha$_3$ been posed by some Hon'ble Members, is one of equal pay for equal work in a particular sector. I$_s$ thi$_3$ principle acceptable to the House or not? That is the basic question.

There have been number of ocea-ebn$_3$ whe$_n$ demands have been made by certain Members that this principle must be the basic criterion for deciding wage, b>nu$_s$ and everything. Those who hav$_e$ accused the Government of bringing this 'black Act' haye not been very objective, very charitable in their criticism.

While moving the Bill I did not say that it ,is progressive. I only $_S$said that it ha$_s$ t$_0$ be rationalised and it has to be uniform and in order to bring about that uniformity and rationalisation, I thought this amendment is necessary.

MR. Quasem who initiated the debate said that there is a conspiracy. He also suspected that there is interference in the judicial process. I would like to go down on record that it is not the desire of our Government *to* conspire against the working class. And I am not tampering with the Bonus Act. The benefit which acrrues to the banking sector employees is not going to be curtailed', by reason of this amendment which I have placed before the House. The workers have the benefit of the Bonus Act. I would like to thank Shri Ramakrishnan who has come to the rescue of the Government... *(Interruptions).* When others became subjective, it was given to the lot of Shri Ramakrishnan to become objective. He brought into the debate an objective assessment of the situation. He also criticised the Government. He also criticised the banking sector. Nonetheless he did not miss the basic point of this amendment and the basic point of this amendment is that the wage structure should be brought even. Now. you have talked of one lakh and thirty thousand or one lakh and ten thousand! employees. But what happens to the rest? What about the four-and-a-half lakhs of bank employees? What is it that they did in order not to get this benefit or this additional benefit? So, we have got *t^* take $_a$n overview of the totality of the circumstances and that ia what we have to take into consideration before taking this particular measure.

SHRI NIRMAL CHATTERJEE (West Bengal): It should be either by downgrading or by upgrading. Making it even is done either by downgrading or by upgrading and you are doing it by downgrading.

SHRI S. M. KRISHNA: Sir, I wish I could oblige him by upgrading everybody. There are millions of people who are below the poverty line about whom you have been talking about day in and day out. What happens to them? *(Interruptions).*

MR. DEPUTY CHAIRMAN: You do not reply to their (Interrapt-'ons) and do not answer them. You address me. (Interruptions),

SHRI NIRMAL CHATTERJEE: You did not downgrade the Ministers. But you downgrade the employees. (Interruptions).

MR. DEPUTY CHAIRMAN: You lon't answer all these things. You alk about the Bill only. Do not talk *bout anything else.

SHRI S. M. KRISHNA: Sir, the ooint is very simple and there is no need for the honourable Members, particularly for a section of the honourable Members, for getting worked up on the submissions I have made. *(Interruptions).* I have only said that no employee is being deprived of anything.

MR. DEPUTY CHAIRMAN: Yes, that is right.

SHRI S. M. KRISHNA: Sir. one point which Shri Ramakrishnan made is about the loan melas. I-t ha$_s$ been made abundantly clear both by the Finance Minister and the Deputy Minister of Finance on a number of occasions that the loan melas are not being done in a partisan manner and it is also not the Government's desire to convey an impression in the country that the loans which are being given need not be returned. Sir. this is far from the truth, (Interruptions).

MR. DEPUTY CHAIRMAN: Don't 'go beyond the Bill. Otherwise, there will be only waste of time and they will go on repeating the same thing. This point has been repeated several times and everytime we cannot allow this.

SHRI S. M. KRISHNA: Sir, Mr. Chimanbhai Mehta made a point about the co-operative banking sector. Sir, it is not the desire of the Government to prevent the other sources like the co-operative banks by which advances could be made to the nieedy, particularly the weaker sections in the rural areas. It is the desire of the Government to encourage co-operative banking also.

Now, Mr. Maran made a point and asked why on the eve of the elections we are bringing forward this Bill. I would say that that itself is an indication of the honesty of this Government, that we do not like to bring any populist measures. We would like to be very honest and we would like to be very business like, especially in the light of what has happened in the Madras High Court. After what happened in the Madras High Court, we thought that the distortions which had crept in had to be set right and this is only one step in trying to take care of the distortions which have crept in.

Sir, this is a very simple Bill and I am sure that the House will accept it. Thank you, Sir.

SHRI NIRMAL CHATTERJEE: Sir, the Minister's reply is totally unsatisfactory. (Interruptions). We cannot associate ourselves with this.

MR. DEPUTY CHAIRMAN: All right. That wiH do now.

SOME HON. MEMBERS: We would like to have a division on this.

MR. DEPUTY CHAIRMAN: The question is:

> '"That the Bill further to amend the State Bank of India Act. 1955, the State Bank of India (Subsidiary banks) Act, 1959, the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, an<j the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, as passed by the Lok Sabha. be taken into consideration."

The House divided

MR. DEPUTY CHAIRMAN: Ayes 72
Noes 19

Noes—19

Amarjit Kaur, Shrimati
Arun Singh. Shri
Banamali Babu, Shri
Bansal, Shri Pawan Kumar
Basheer, Shri T.
Basumatari, Shri Dharanidhar
Bharadwaj, Shri Ramchandra
Bhatia, Shri Madan
Bhatt, Shri Nand Kishore

Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Bhuyan, Shri Gaya Chand
Chaturvedi, Shri Bhuvnesh
Darbara Singh, Shri
Desai, Shri Jagesh
Deshmukh, Shri' Shankarrao Narayanarao
Ganeshwar Kusum, Shri
Ghan Shyam Singh, Shri
Gupta, Shri Vishwa Bandhu
Handique, Shri Biioy Krishna
Hanumanthappa, Shri H.
Haq, Shri (Molana) Asrarul
Haridas, Shri C.
Heptulla, Dr. (Shrimati) Najma
Jacob, Shri M. M.
Jain, Shri J. K.
Jayalalitha, Miss
Joshi, Shri Krishna Nand
Joshi, Shrimati Sudha Vijay
Kaushik, Shri M. P.
Kesri, Shri Sitaram
Khaparde, Miss Saroj
Kidwai, Dr. Mohd. Hashim
Kushnoor, Shri Veershetty Moglappa
Laxmi Narain, Shri
Maddanna, Shri M.
Majhi, Shri Prithibi
Malaviya, Shri Radhakishan
Malhotra, Shrimati Usha
Malik, Shri Mukhtiar Singh
Manhar, Shri Bhagatram
Mehta, Shri Chimanbhai
Mirza Irshadbaig Aiyubbaig, Shri
Mishra, Shri Mahendra Mohan
Mohanarangam, Shri R.
Mohanty, Shri Subas
Pachouri, Shri Suresh
Pandey, Shrimati Manorama
Pandey, Shri Sudhakar
Patel, Shri Vithalbhai Motiram
Pattnaik, Shri Sunil Kumar
Prajapati, Shri Pravin Kumar
Rai, Shri Kalpnath
Rajagopal, Shri M.
Rajangam, Shri N.
Ramachandran, Sari M. S.
Ramakrishnan, Shri R.
Ratan Kumari, Shrimati
Sahu, Shri Rajni Ranjan
Sankata Prasad, Dr.
Saring, Shri Leonard Soloman
Sharma, Shri Anand
Sharma, Shri A. P.
Silvera, Dr. C.
Singh, Shri R. K. Jaichandra
Singh, Thakur Kamakhya Prasad
Singh, Shri Vishvajit Prithvijit
Thakur, Shri Rameshwar
Thangabalu, Shri T.
Valiullah, Shri Raoof
Vikal, Shri Ram Chandra
Yadav, Shri Ramanand

! Noes—19

Barman, Shri Debendra Nath
Bhattacharjee, Shri Nepaldev
Bhattacharya, Shrimati Ha
Chatterjee, Shri Nirmal
Dhabe, Shri S. W.
Goswami, Shri Biswa
Joseph, Shri O. J.
Kaiyanasundaram, Shri M.
Lakshmanna. Prof. C.
Maran, Shri Murasoli
Mishra, Shri Chaturanan
Mukherjee, Shrimati Kanak
, Patel, Dr. Shanti G.
j Paul, Shri Makhan
. Pradhan, Shri Badri Narayan
Quasem. Shri Mostafa Bin
Sen, Shri Sukomal
Yadav, Shri Hukmdeo Narayan
Yadav, Shri Jagdambi Prasad

The motion was adopted

MR. DEPUTY CHAIRMAN. We shall now take up clause-by-clause consideration of the Bill.

*Clause^* 2 to 5 *were added to* the Bill.

Clause 1, *the* Enacting *Formula and the* Title *were added* to the Bill

SHRI ,3. M. KRISHNA: Sir, I move:

"That the Bill be passed."

*(Interruptions^*

SHRI SHRIDHAR WASUDEO DHABE: Sir, I want to speak. The reply is unsatisfactory. *(Interruptions)* We want to walk out as we do not want to be party to passing of this Bill.

[At this stage, some *hon. Members left the Chamber]*

MR. DEPUTY CHAIRMAN: The question is:

"Thit the Bill b_e passed."

The motiori *was adopted.*

ANNOUNCEMENT RE. ARREST AND RELEASE OF SHRI V. GOPALSAMY AND SHRI L. GANESAN MEMBERS OF PARLIAMENT, RAJYA SABHA

MR. DEPUTY CHAIRMAN: I have to inform Members that I have received the following two communications dated the 25th August, 1984: Communication from the Superintendent of Police, Tirunelveli West District.

"I have the honour tc inform you that Shri V. Gopalsamy, Member of Rajya Sabha, who was arrested as a preventive measure at 11.00 hrs. on 25-8-84 for attempting to stage picketing agitation in front of INl) Post Office. Tirunelveli junction was let off at 17.00 hrs. on 25.8.84 from Palayamkottai Station."

Communication from Inspector of Police, Orthandu, Tanjore West District.

"Thiru L. Ganesan M.P. of D.M.K. Party, Tamil Nadu, was arrested on 25.8.84 at 10.20 hours in front of Head Post Office, Orthandu, Tanjore West District in Tamil Nadu when he attempted to picket the Head Post Office along with 262 other$_s$ itx furtherance of decision of the D.M.K, lead opposition party to protest against State and Central Governments. In this connection, the case in Orthandu Police Station CR No. 506J84 under section 151 .Criminal Procedure Code, was registered at 1100 hour;

Shri L. Ganesan was released CT 25-8-84 at 1700 hours."

श्री उपसभापति : सदन की कार्यवाही 2½ बजे तक स्थगित की जाती है ।

The House then adjoun for lunch at thirty-six' pat one of the clock.

The House reassembled after lunch at thirty-two minutes past two of the clock, Mr. Deputy Chairman in the Chair.

.. THE TAXATION LAWS ii AMENDMENT) BDLL, 1984

THE MINISTER OF STATE THE MINISTRY OF FINANC*! (SHRI S. M. KRISHNA): Mr. Deputy Chairman, Sir, I beg to move:

"That the Bill further to amer.-l the Income-tax Act, 1961, thf? Wealth-tax Act, 1957, the Gift T Act, 1958, the Companies (Profits) Surtax Act, 1964, the Compulsory Deposit Scheme (Income-tax Payers) Act, 1974, and the Interest-tax Act, 1974, a$_s$ passed by the Lok Sabha, b$_e$ taksn into consideration."

Sir, the proposals in thi$_s$ Bill are intended mainly t$_0$ streamline the procedures in the interests of bett--" work management, avoid inconvenience to taxpayers, reduce litigation, remove certain anomalies in and rationalise some of the provisions of these enactments and counter-set tax avoidance and tax evasion. Sir, the Bill contains 84 clauses covering about 70 proposals. A more comprehensive Bill would hav$_e$ taken more time to prepare. In c-ase such a Bill